

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TING YAO LIN, FANG LIN, SHENG LAN LI, MU LEI XIE, TING JIA XIE, and XIE XIN YONG, : 08 Civ. 6071 (SAS)

Plaintiffs, : **AFFIDAVIT OF PATRICK**  
v. : **RIDEOUT IN SUPPORT**  
HAYASHI YA II, INC. d/b/a HAYASHI YA, HAYASHI YA OF 9 AVENUE, LLC d/b/a HAYASHI YA, FENG LIN, and YANG QING, : **OF PLAINTIFFS' REQUEST**  
Defendants. : **FOR CERTIFICATE OF**  
: **DEFAULT AGAINST**  
: **DEFENDANT FENG LIN**

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STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

Patrick Rideout, being duly sworn, deposes and says:

1. I am a member of the bar of this Court in good standing and counsel to Plaintiffs. I submit this declaration in support of Plaintiffs' request for a certificate of default against Defendant Feng Lin.

2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant.

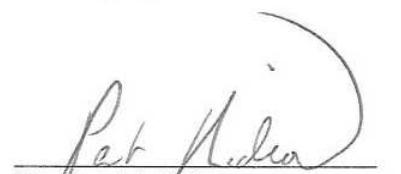
3. On July 15, 2008, Plaintiffs filed the Affidavit of Di Cong Jiang (attached hereto as Ex. A) stating that Feng Lin was served in this action on July 9, 2008, when Di Cong Jiang delivered copies of the Summons and Complaint, the Individual Rules and Procedures of Judge Shira A. Scheindlin, ECF procedures, and Individual Practices of Magistrate Judge Andrew J. Peck to Defendant Feng Lin.

4. The time within which Feng Lin was to answer or otherwise respond to the Complaint has expired, and Defendant Feng Lin has failed to plead or otherwise defend the above-captioned action.

5. To my knowledge Defendant Feng Lin is not an infant, in the military, or an incompetent person.

WHEREFORE, I respectfully ask that the clerk execute the proposed Clerk's Certificate.

Dated: New York, New York  
August 19, 2008

  
By: Patrick Rideout  
(patrick.rideout@skadden.com)

Sworn to and subscribed to  
before me this 19th day of  
August, 2008

Iris N. Otero

IRIS N. OTERO  
Notary Public, State of New York  
No. 31-4629652  
Certificate filed in New York County  
Commission Expires 9/30/2010